

RETURN DATE: JANUARY 31, 2017

PAULA LANGLOIS,	:	SUPERIOR COURT
	:	
Plaintiff,	:	J.D. OF NEW HAVEN
	:	
vs.	:	AT NEW HAVEN
	:	
CITY OF NEW HAVEN,	:	
BOARD OF EDUCATION	:	
	:	
Defendant.	:	December 21, 2016
	:	

COMPLAINT

I. PARTIES

1. The plaintiff, Paula Langlois (hereinafter “Langlois”), is a resident of Cheshire, CT.

2. The defendant, City of New Haven, Board of Education, is authorized by the law of the State of Connecticut and the City of New Haven to operate the public school system in the City of New Haven.

3. Defendant is an employer, as defined by the Connecticut Fair Employment Practices Act.

4. Fair Haven Middle School (hereinafter “the School”) is a public middle school operated by City of New Haven, Board of Education.

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

5. The plaintiff filed a complaint with the Connecticut Commission on Human Rights and Opportunities (CHRO) alleging disability discrimination. The CHRO complaint was filed in a timely manner insofar as it was filed within 180 days of plaintiff’s discharge.

6. Plaintiff received a Right to Sue letter from the CHRO, dated September 23, 2016. Plaintiff has filed the instant complaint within 90 days of her receipt of the Right to Sue letter.

III. FACTS

7. Langlois is a long-time, dedicated and successful teacher at Fair Haven Middle School who, since 2011, has been confined to a wheelchair because of her disability, Multiple Sclerosis.

8. In or around 2012, then Principal Mary Margaret Gethings worked with plaintiff to accommodate her disability by providing her with three reasonable accommodations: (1) a dedicated parking spot directly in front of the School near the School's only handicap-accessible entrance; (2) assignment to a self-contained classroom next to the school's elevator; and (3) a special plan for fire drills.

9. From 2011 to the end of the 2014-2015 school year, Langlois' multiple sclerosis was controlled. She performed all essential functions of her job, with the aforementioned reasonable accommodations in place.

10. Heriberto Cordero became Principal of the School in September 2015.

11. Shortly thereafter, the reasonable accommodations provided to Langlois ceased.

12. Initially, Langlois' dedicated parking spot was blocked and the signage was removed due to construction.

13. When Langlois told Cordero that people were parking in her dedicated spot, he responded harshly and told her to "park across the street at the church because that is where the overflow parks."

A. The Board of Education Failed to Provide Langlois Key-Card Access to the Handicap Door of the School for More Than One Year.

14. Teachers at the School enter the building using key-card access up 6 steps on the side of the building. Being that plaintiff is confined to a motorized wheel-chair; she cannot climb the stairs and enter the building through the key-card accessible door.

15. The only handicap-accessible entrance to the School is in the front of the building, and was not accessible with a key-card.

16. As a result, Langlois would sit outside everyday ringing a bell - sometimes for as long as 30 minutes - until someone let her into the building.

17. The Board of Education advised Langlois that a School Administrator would be present daily to allow her timely access to the building. However, Administrators fail to let her into the building on a near daily basis, causing her to wait outside, rain or shine, hot or cold, until a fellow teacher or security officer opens the door.

18. Many days, Langlois would sit in the rain, her clothes soaking, along with students work, waiting for someone to let her in the building.

19. Similarly situated, non-disabled employees do not wait nearly 30 minutes per day to gain access to their place of work, rather they simply park their cars, walk up 6 steps, and allow themselves access to the building with their key cards.

20. On May 24, 2016, then Superintendent of Schools, Garth Harries made an unannounced visit to Ms. Langlois' classroom while she was providing extra help to a number of students during her lunch break.

21. Harries advised Langlois that the installation of a key pad would cost over \$11,000 to install a swipe paid on Langlois' "preferred door," failing to recognize that this is the *only* handicap accessible door the School has. Harries also attributed "fault" to Langlois.

22. Harries further advised Langlois to "be patient." Langlois explained her frustrations to Harries, multiple days of waiting outside in the elements, being berated by Human Resources and Cordero, and constant bouts of crying.

23. Plaintiff has made multiple, repeated requests for key-card access to the only handicap-accessible entrance from September 2015 to September 2016, more than one calendar year. Each request had been denied and "taken under advisement."

B. Cordero Removes Langlois' Parking Space and Berates Her, After She Sought the Union's Assistance When the School's Elevator Was Out of Service, Denying Langlois Access to Her Second-Floor Classroom.

24. In January 2016, the School's elevator was out of service for a couple of weeks, causing Langlois to not have access to her second-floor classroom. The Board of Education failed to provide her with advance notice. After failing to find a solution herself through the Administration, she approached her union for help.

25. When Principal Cordero learned that Langlois enlisted the union, he berated her for going over his head.

26. Still, he did not take any corrective action.

27. Instead, Principal Cordero made the problem worse by revoking Langlois' assigned parking spot and forcing her to park behind the School, accusing her of taking an "internal problem" to the union. She then had to enter the School through a locked freight door, which is not ADA-compliant and does not have a delayed close. Because Langlois' motorized

wheelchair could not clear the door prior to its closing, the door would slam shut on her wheelchair, causing damage, or her arm.

28. Langlois advised Cordero of this and requested her original building access (entering through the only handicap accessible door at the front of the school and installation of key-card accessibility) and in response, Principal Cordero questioned her inability to hold open the heavy freight door, saying: "I don't know anything about your arms, just that you are in a motorized wheelchair and should be able to zip around the building."

29. Eventually, plaintiff took it upon herself to start parking once again in her dedicated spot and entering through the only handicap accessible door at the front of the school, this time without the Principal's support.

C. The Board of Education Spends Thousands Re-facing the Front of the School, But Still Does Not Provide Key Card Access to the Handicap Door.

30. On March 7, plaintiff arrived at School to find scaffolding around the School's handicap-accessible entrance. She was not previously notified, nor were any steps taken to ensure her access to the building.

31. Upon information and belief, the Board of Education is re-facing the front of the School, presumably spending thousands of dollars to do so. Yet, one reason key-card access to the only handicap accessible entrance in the School has been denied is due a lack of funds in the budget.

32. Similarly situated, non-disabled employees entrance to the building is not affected by the re-facing of the building.

33. Once again, plaintiff voiced her concerns to Principal Cordero, who once again responded with indifference.

D. Although Key Card Access is Installed in August 2016, Problems Persist.

34. For over a month after key card access to the handicap door was installed, the door would frequently malfunction, not allowing Langlois to access the building, and the door did not have a proper delay to allow Langlois' wheelchair to clear the entrance.

35. For the 2016-2017 school year, Langlois had a new van, this one with the ramp on the passenger side. Cordero was made aware of this more than a year in advance.

36. In or around early October 2016, Langlois' designated parking spot directly in front of the school was moved to the middle of the lot due to construction. This area does not provide space for Langlois to lower her wheelchair ramp on the passenger side to enter and/or exit her van.

37. Due to the lack of adequate space to lower her ramp in her new designated parking space, Langlois is forced to wait outside for employees and/or parents to move their vehicles before she can leave school each evening. In just the past month, this has happened on more than 4 occasions, causing Langlois to wait outside in freezing temperatures because she cannot access her vehicle.

38. To add to her distress, the handicap accessible door at the front of the School locks at 5:00 pm, denying Langlois the option to re-enter the school and wait inside. Administration is aware that Langlois typically stays at the School until 7 pm nightly.

39. The teachers' door, up the six steps, does not lock at 5 pm, therefore similarly situated non-disabled employees are allowed access to the school past 5 pm. Langlois is not.

40. The blue lines to delineate the handicap parking space are completely faded. Langlois offered to bring in blue spray paint to make them clear, to which Cordero stated, “No, it took over a year for the door, let’s see how long it takes for lines to be painted.

E. As a Result of Defendant’s Failure to Accommodate Langlois, Her Condition Has Worsened.

41. Defendant’s refusal to accommodate Langlois has caused her substantial emotional distress.

42. Langlois has many sleepless nights, bouts of uncontrollable crying, and an inability to get out of bed, and a lack of drive to continue her career. As a result, she sought treatment with a mental health provider.

43. In addition, her neurologist advised her the stress from this conflict has exacerbated the symptoms of her Multiple Sclerosis, which for years was controlled. Now her disease is secondary progressive.

COUNT ONE – Denial of a Reasonable Accommodation - - Conn. Gen. Stat. § 46a-60(a)(1)

44. Paragraphs 1-43 are hereby incorporated the same as if fully pled in the First Count.

45. Defendant denied Plaintiff’s request for reasonable accommodations.

46. Defendant did not initiate an interactive dialogue regarding Langlois’ request for reasonable accommodations.

47. As a result of the denial of her requests for reasonable accommodations, Plaintiff has suffered lost past and future earnings, lost past and future benefits, emotional distress, and damage to her career.

COUNT TWO – Disability Discrimination - - Conn. Gen. Stat. §46a-60(a)(1)

48. Paragraphs 1-43 are incorporated herein as if fully pled in this Second Count.

49. Plaintiff suffers multiple sclerosis, a disability as defined under the Connecticut Fair Employment Practices Act, in that he has chronic physical impairments. Langlois is confined to a wheelchair as a result of her disability.

50. The Langlois' disability is a factor that makes a difference in defendant's employment decisions, in violation of Conn. Gen. Stat. § 46a-60.

51. As a result of defendant's conduct, plaintiff has suffered both economic and emotional harm.

52. The defendant's actions in discriminating against the plaintiff on the basis of her disabilities or perceived disabilities was willful or with reckless indifference to plaintiff's rights under Conn. Gen. Stat. § 46a-60.

COUNT THREE -- Intentional Infliction of Emotional Distress

53. Paragraphs 1-43 are incorporated herein as if fully plead in this Third Count.

54. Defendants' actions, through their agents, servants, and/or employees, were egregious and extreme and outrageous.

55. Defendants' actions, through their agents, servants, and/or employees, caused the plaintiff severe and extreme emotional distress.

56. As a result of the Defendant Company's violation of the common laws of the State of Connecticut and the termination of her employment, Plaintiff has suffered lost wages and employment benefits, emotional distress and has incurred attorney's fees and costs in order to receive the rights to which he is entitled.

WHEREFORE, the plaintiff respectfully requests this Court take jurisdiction over her case and grant judgment against the defendant. Plaintiff prays that the following relief be granted:

- a. a declaratory judgment that the defendant violated the Conn. Fair Employment Practices Act when it terminated her employment;
- b. plaintiff be awarded the economic damages she has suffered to date;
- c. plaintiff be awarded damages for the emotional harm she has suffered to date;
- d. plaintiff be awarded reasonable attorney fees and costs;
- e. plaintiff be awarded punitive damages under Conn. Gen. Stat. §46a-60;
- f. plaintiff be awarded pre-judgment and post-judgment interest on her economic damages, pursuant to Conn. Gen. Stat. §37-3a; and
- g. plaintiff be awarded such other equitable relief as the court deems appropriate.

**RESPECTFULLY SUBMITTED,
THE PLAINTIFF**

By: /s/ *Amanda M. DeMatteis*

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Please enter my appearance on behalf of Plaintiff.

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STATEMENT OF AMOUNT IN DEMAND

The plaintiff claims damages in excess of 15,000.00 and equitable relief.

**RESPECTFULLY SUBMITTED,
THE PLAINTIFF**

By: /s/ *Amanda M. DeMatteis*

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